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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,087	06/28/2001	Eric J. Horvitz	MS171133.1	5322
27195	7590	12/05/2006	EXAMINER	
AMIN. TUROCY & CALVIN, LLP			DALENCOURT, YVES	
24TH FLOOR, NATIONAL CITY CENTER			ART UNIT	
1900 EAST NINTH STREET			PAPER NUMBER	
CLEVELAND, OH 44114			2157	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,087

Applicant(s)

HORVITZ ET AL.

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 12, 15, 20, 21, 23, 25, 27, 31, 34-36, 38 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 12, 15, 20, 21, 23, 25, 27, 31, 34-36, 38, and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-4, 6-7, 12, 15, 20-21, 23, 25, 27, 31, 34-36, 38, and 47

DETAILED ACTION

This office action is responsive to Request for Continued Examination (RCE) filed on 09/21/2006.

Response to Amendment

The Examiner has acknowledged the amended claims 1, 47, and the cancellation of claims 5, 8 – 11, 13 – 14, 16 – 19, 22, 24, 26, 28 – 30, 32 – 33, 37, 39 – 46, and 48 – 80.

Response to Arguments

Applicant's arguments with respect to claims 1 – 4, 6 – 7, 12, 15, 20 – 21, 23, 25, 27, 31, 34 – 36, 38, and 47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 3, 12, 15, 20 – 21, 23, 25, 27, 31, 34 – 36, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Eric Lawrence Barsness (US 2004/0117443; hereinafter Barsness).

Regarding claims 1, 23, 25, 31, and 47, Barsness teaches a user state identifier that determines a user's state from at least one context information source, the user state identifier generates an indication of whether a user state change has occurred from the at least one context information source (paragraph [0010]; a data log that stores information associated with the at least one context information source at about the time of the user state change to accumulate statistics relating to at least one of an availability and an unavailability of the user (paragraph [0013]; Barsness discloses that the instant messaging application periodically checks the user's status and stores the result in a field of memory. Any change in status is reported to an instant messaging server attached to the network); and an e-mail service to generate dynamically customized automated responses to one or more messages based on a user's availability and a prediction model that predicts, based on the communication, collaboration and coordination, future availability and unavailability of the user, and an amount of time until the user returns to the communication, collaboration and coordination (paragraphs [0009], [0043], and [0053 - 0056]).

Regarding claims 2, 34, and 35, Barsness teaches the system of claim 1, which further comprising a forecaster constructed from the accumulated statistics that enables a determination of the user's at least one of availability and unavailability (paragraph [0053 - 0056]).

Regarding claim 3, Barsness teaches the system of claim 2, the forecaster employs a probability distribution over a time until the user returns to drive an

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application wherein the user can review information that has arrived (paragraphs [0055 – 0056]).

Regarding claim 12, Barsness teaches the system of claim 2, the forecaster is constructed to determine probabilities associated with the users return in an “x” amount of time, given that the user has been away for a “y” amount of time, based upon observed evidence of the user’s context (paragraphs [0053 – 0056]).

Regarding claim 15, Barsness teaches the system of claim 2, the forecaster that generates prediction information regarding at least one of the user's likely return and the user's current availability (paragraph [0011], [0056], and [0065]).

Regarding claims 20 and 21, Barsness teaches the system of claim 15, which further comprising a priorities service wherein automated responses are generated as a result of an urgency threshold and the prediction information (paragraphs [0009]).

Regarding claim 27, Barsness teaches the system of claim 15, which further comprises an automated maintenance service wherein a maintenance operation is performed at times determined by the prediction information scheduled from at least one of a resident computer system and a remote computer system and wherein the maintenance service provides at least one of drive organization, drive de-fragmentation and virus checking (paragraphs [0037 – 0039]).

Regarding claim 36, Barsness teaches the system of claim 34, the forecaster including at least one of how long the user has already been gone, has not had access to a channel and other evidence including at least one of a time of day, *information on a calendar*, location of a current or last appointment, location of a next appointment, a

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type of day, the type of day including at least one of a weekend, holiday, weekday, and current status of the user (paragraphs [0012], [0044], [0046], and [0056]).

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eric Lawrence Barsness (US 2004/0117443; hereinafter Barsness) in view of what is known in the art.

Regarding claim 38, Barsness teaches substantially all the limitations in claim 38, but fails to specifically teach a contactor and a contactee *to tentatively reschedule a communication or collaboration of one or more forms, based on inferences relating to the users availability.*

Note, however, rescheduling a meeting ("communication of collaboration of one or more forms"), which is what meeting organizers do when they find attendees' schedules booked.

It would have been obvious to one of ordinary skill in the art at the time of the invention, for those that use Barsness's system, upon finding themselves busy, to reschedule meetings, because rescheduling a meeting or collaboration event allows them to meet.

Claim 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eric Lawrence Barsness (US 2004/0117443; hereinafter Barsness) in view of Horvitz et al., "Attention-Sensitive Alerting" (Horvitz 2 hereinafter).

Regarding claim 4, Barsness teaches all the limitations in claim 4, but fails to specifically teach a notification system that reasons about an expected cost of delayed

review of information so as to guide decisions about alerting the user before the user can observe the information.

However, Horvitz II teaches a system to reason about an expected cost of delayed review of information so as to guide decisions about alerting the user before the user can observe the information (See Section 4.1 Cost of Delayed Action, in Horvitz 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine a module for determining the best time to deliver a message, together, with a message delivery system of Barsness as it is suggested by Horvitz 2, there is a cost associated with diverting one's attention away from one's task, and therefore, a given application will be more useful if it can send the message to the user at the moment at which it is most likely to be there to minimize the cost of delay.

Regarding claim 6, Barsness and Horvitz II teach all the limitations in claim 4, Barsness further teaches a display that is accessed by other users, systems, and applications regarding the at least one of the user's availability and unavailability (paragraphs [0044] and [0050]).

Regarding claim 7, Barsness and Horvitz II teach all the limitations in claim 4, Barsness further teaches that the forecaster conditioning probabilities on different types of appointments that are observed on a calendar and shares information based on at least one of the nature and privileges of the person inspecting the calendar, the information is based on an inferred urgency of a communication (paragraphs [0044] and [0050], and [0056]).

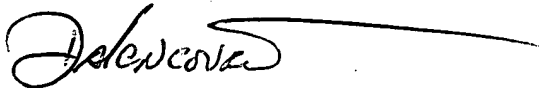
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 27, 2006



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PRIMARY EXAMINER
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